

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL J COLLINS,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendant.

CASE NO. C13-5444 RBL

ORDER ON MOTIONS TO
PROCEED

THIS MATTER is before the Court on Plaintiff Collins' "Motion[s]/Request to Proceed with Instant Case after 9th Circuit 10/28/13 Order" [Dkt. #s 12 & 13]. Judge Settle dismissed an apparently similar case on summary judgment in 2011. [*See Collins v. Washington*, Cause No. 13-5594BHS, and Dkt. #36 in that case]. The Ninth Circuit recently affirmed that Order. [*See* Dkt. #s 39-42 in that case, also attached to Dkt. #12 in this case].

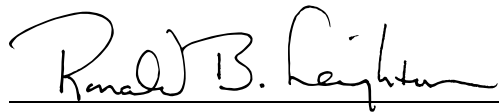
Plaintiff's complaint in this case appears to arise from the same series of events, although he has added individual defendants who were not named in the earlier case. It is not clear what Plaintiff seeks in the current Motions. The Defendants' Response suggests that perhaps he seeks a ruling that the Federal Rules do (or do not) apply to the case. [*See* Dkt. #14] Or it might be that Plaintiff is proactively trying to undermine the Defendants collateral estoppel defense. If so,

1 he has not persuaded the Court that that defense (plead in the Defendants' answer) is without
2 merit.

3 In any event, the Motions are DENIED without prejudice. The parties should address in
4 the near term whether and to what extent this case overlaps or is otherwise impacted by the prior
5 case, and by the Ninth Circuit's opinion affirming the District Court's dismissal of Plaintiff's
6 prior claim.

7 IT IS SO ORDERED.

8 Dated this 10th day of December, 2013.

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11 RONALD B. LEIGHTON
12 UNITED STATES DISTRICT JUDGE
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